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By: **Charles County Delegation**

Introduced and read first time: February 18, 2000

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Charles County - Dive Rescue Team - Funding**

3 FOR the purpose of altering provisions of law providing operational funding to fire  
4 departments and rescue squads in Charles County to include the Charles  
5 County dive rescue team; requiring the County Commissioners to pay certain  
6 proceeds of a fire and rescue tax to the dive rescue team under certain  
7 circumstances; requiring the dive rescue team to use the proceeds for certain  
8 purposes; authorizing the County Commissioners to distribute certain excess  
9 proceeds for the formation of new mobile intensive care units and dive rescue  
10 teams under certain circumstances; requiring the dive rescue team to comply  
11 with a certain association's standards; authorizing the withholding of certain  
12 funds to the dive rescue team under certain circumstances; authorizing the  
13 County Commissioners to cease payment of certain funds under certain  
14 circumstances; prohibiting the use of certain funds for capital expenditures;  
15 requiring the dive rescue team to submit certain information to the Board of  
16 Fire and Rescue Commissioners; authorizing the Board to require certain  
17 information from the dive rescue team under certain circumstances; and  
18 generally relating to the funding of the Charles County dive rescue team.

19 BY repealing and reenacting, with amendments,  
20 The Public Local Laws of Charles County  
21 Section 54-1 through 54-6  
22 Article 9 - Public Local Laws of Maryland  
23 (1994 Edition and June 1998 Supplement, as amended)

24 BY repealing and reenacting, with amendments,  
25 The Public Local Laws of Charles County  
26 Section 54-7 C.  
27 Article 9 - Public Local Laws of Maryland  
28 (1994 Edition and June 1998 Supplement, as amended)  
29 (As enacted by Chapter 88 of the Acts of the General Assembly of 1999)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
31 MARYLAND, That the Laws of Maryland read as follows:

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**Article 9 - Charles County**

2 54-1.

3 A. The County Commissioners shall levy for each fiscal year a fire and rescue  
4 tax at the rate of sixteen cents per \$100 of assessed value. The tax shall be levied on  
5 the assessed value of all taxable real and personal property in Charles County.

6 B. [Said] THE fire and rescue tax shall be levied and collected in the same  
7 manner as other state and county taxes are now levied and collected.

8 C. The proceeds collected from the county fire and rescue tax shall thereafter  
9 be paid by the County Commissioners twice a year, as determined by the Board of  
10 Fire and Rescue Commissioners, to all the Fire Departments and rescue squads,  
11 including mobile intensive care units AND CHARLES COUNTY DIVE RESCUE TEAMS in  
12 Charles County. The proceeds shall be distributed as directed by the Board of Fire  
13 and Rescue Commissioners.

14 D. The Board of Fire and Rescue Commissioners shall review and make  
15 recommendations concerning the financing of the fire departments and rescue  
16 squads, including mobile intensive care units AND CHARLES COUNTY DIVE RESCUE  
17 TEAMS in Charles County. Distribution of the proceeds of the fire and rescue tax shall  
18 be to the various fire departments, rescue squads [and], mobile intensive care units  
19 AND CHARLES COUNTY DIVE RESCUE TEAMS in accordance with a formula agreed on  
20 by the Board of Fire and Rescue Commissioners and the Executive Committee of the  
21 Charles County Volunteer Firemen's Association and the executive committee of the  
22 Charles County Association of Emergency Medical Services. If an agreement cannot  
23 be reached, the formula employed in the previous year's distribution shall continue in  
24 use until an agreement is reached. Each sixteen cents received from the fire and  
25 rescue tax shall be allocated and distributed as follows:

26 (1) Ten cents to the various fire departments of Charles County.

27 (2) Five cents to the various rescue squads [and], mobile intensive care  
28 units, AND CHARLES COUNTY DIVE RESCUE TEAMS of Charles County.

29 (3) One cent to be used to provide funds to pay for the funded length of  
30 service award described in § 54-8 of this chapter.

31 E. The funds received by the respective Fire Departments and rescue squads,  
32 including mobile intensive care units AND CHARLES COUNTY DIVE RESCUE TEAMS,  
33 from this fire and rescue tax shall be used for the purpose of purchasing, repairing,  
34 replacing, operating and maintaining their fire-fighting and rescue equipment and  
35 apparatus and the housing of the [same] FIRE-FIGHTING AND RESCUE EQUIPMENT  
36 AND APPARATUS and for fire prevention and training. The amount and type of  
37 equipment and apparatus of [said] THE Fire Departments and rescue squads shall  
38 conform to the standards prescribed by the Charles County Volunteer Firemen's  
39 Association and by the Charles County Association of Emergency Medical Services,  
40 respectively. No resolution, regulation or bylaw shall be passed by [said] THE Fire

1 Departments or rescue squads limiting or restricting the territory within the area  
2 covered by this fire and rescue tax within which it will respond to emergency calls.

3 F. In addition to the fire and rescue tax benefits, the County Commissioners  
4 of Charles County are authorized to pay out of the general funds of the county  
5 additional funds to the various Fire Departments and rescue squads as they deem  
6 necessary. The Board of Fire and Rescue Commissioners shall consider these  
7 payments in determining the amounts due the various Fire Departments and rescue  
8 squads under the formula distribution plan and in determining whether excess  
9 proceeds exist.

10 54-2.

11 Excess proceeds, [herein] defined as proceeds from the fire and rescue tax in  
12 excess of those necessary to satisfy the requirements of the preceding subsections,  
13 shall, upon recommendation of the Board of Fire and Rescue Commissioners, be used  
14 by the County Commissioners to reduce the indebtedness of the various Fire  
15 Departments and rescue squads, to assist in the formation of new Fire Departments  
16 [or], rescue squads, MOBILE INTENSIVE CARE UNITS AND CHARLES COUNTY DIVE  
17 RESCUE TEAMS, in accordance with the needs and growth of the county, to allot funds  
18 to the various Fire Departments and rescue squads to pay for career fire and rescue  
19 personnel, to support/aid the Southern Maryland Regional Training Center, to hire  
20 necessary clerical assistance, to accumulate an emergency fund up to a maximum of  
21 one hundred thousand dollars (\$100,000.), to provide assistance to new departments  
22 [and], squads, MOBILE INTENSIVE CARE UNITS AND CHARLES COUNTY DIVE  
23 RESCUE TEAMS, or existing departments and squads suffering major losses through  
24 no fault of their own and/or to pay any part of such excess proceeds to the general  
25 fund of Charles County as the Board of Fire and Rescue Commissioners deems  
26 surplus to the needs of the various Fire Departments and rescue squads.

27 54-3.

28 A. The Charles County Volunteer Firemen's Association, at least once each  
29 calendar year, shall conduct an inspection by a duly appointed committee of the  
30 Association to ascertain whether each department's equipment and apparatus  
31 complies with the standards of the Association, and the Association, on or before the  
32 15th of October of each year, shall submit a report, in writing, to the County  
33 Commissioners and the Board of Fire and Rescue Commissioners stating whether  
34 each department does or does not meet the standards of the Association. Each  
35 noncompliance with the standards shall be documented by the Charles County  
36 Volunteer Firemen's Association.

37 B. The Charles County Association of Emergency Medical Services shall, at  
38 least twice each calendar year, conduct an inspection by a duly appointed committee  
39 of the Association to ascertain whether each rescue squad's equipment and apparatus,  
40 including mobile intensive care units AND CHARLES COUNTY DIVE RESCUE TEAMS,  
41 complies with the standards of the Association. The Association shall, on or before the  
42 first day of June and December of each year, submit a report, in writing, to the

1 County Commissioners and the Board of Fire and Rescue Commissioners stating  
2 whether each squad meets or fails to meet the standards of the Association.

3 54-4.

4 In the event that any one (1) of the Fire Departments, rescue squads [or],  
5 mobile intensive care units, OR CHARLES COUNTY DIVE RESCUE TEAMS in Charles  
6 County fails to comply with the standards of its respective Association, then the funds  
7 proportionate to the noncompliance of the standards may be withheld by the Board of  
8 Fire and Rescue Commissioners until [said] THE department, squad [or], mobile  
9 intensive care unit, OR CHARLES COUNTY DIVE RESCUE TEAM has complied with the  
10 standards of [said] THE Association or has presented an acceptable plan for attaining  
11 compliance with the standards of [said] THE Association to the Board of Fire and  
12 Rescue Commissioners. In the event that [said] THE department, squad [or], mobile  
13 intensive care unit, OR CHARLES COUNTY DIVE RESCUE TEAM does not comply with  
14 the standards, then the proportionate funds allocated to that department, squad [or],  
15 mobile intensive care unit, OR CHARLES COUNTY DIVE RESCUE TEAM shall be  
16 distributed, as necessary, among the companies assuming coverage of that area.

17 54-5.

18 In the event that any one (1) of the Fire Departments [or], rescue squads,  
19 MOBILE INTENSIVE CARE UNIT, OR CHARLES COUNTY DIVE RESCUE TEAMS in  
20 Charles County ceases to be an active fire-fighting or rescue organization or if the  
21 funds provided for herein are not used for the purposes set forth in §§ 54-1 and 54-2  
22 of this Article, the County Commissioners shall cease paying to [that] THE  
23 department, squad [or] mobile intensive care unit, OR CHARLES COUNTY DIVE  
24 RESCUE TEAM [such] THE funds, and the [same] FUNDS shall be held and  
25 distributed, as necessary, on the recommendations of the Board of Fire and Rescue  
26 Commissioners, to those departments, squads [or], mobile intensive care units, OR  
27 CHARLES COUNTY DIVE RESCUE TEAMS assuming coverage of [that] THE area;  
28 provided, further, that the beneficial assets of [said] THE Fire Departments, rescue  
29 squads [or], mobile intensive care units, OR CHARLES COUNTY DIVE RESCUE TEAMS  
30 shall become the property of Charles County and that the County Commissioners  
31 may[, at their discretion,] assume some or all of the liabilities of [such] THE  
32 organizations. The County Commissioners may, on the recommendation of the Board  
33 of Fire and Rescue Commissioners, give [such] THE assets and liabilities to those  
34 Fire Departments [or], rescue squads, MOBILE INTENSIVE CARE UNITS, OR CHARLES  
35 COUNTY DIVE RESCUE TEAMS assuming coverage of the area or to any other  
36 department or squad active in Charles County.

37 54-6.

38 A. (1) No department [or], squad, MOBILE INTENSIVE CARE UNIT, OR  
39 CHARLES COUNTY DIVE RESCUE TEAM receiving benefits under §§ 54-1 and 54-2 of  
40 this Article shall obligate itself or expend funds for any capital expenditure, including  
41 the purchase of land, the purchase, erection or modification of any building or  
42 structure or the acquisition of apparatus, without first obtaining approval of the  
43 Executive Committee of the Charles County Volunteer Firemen's Association or the

1 Charles County Association of Emergency Medical Services and the Board of Fire and  
2 Rescue Commissioners.

3           (2)       The Board of Fire and Rescue Commissioners shall review each  
4 [such] proposal and, in the event that the proposed expenditure exceeds the funds  
5 allocated in the formula distribution plan, shall ensure that the organization  
6 requesting [such] THE approval is aware of the excess and possesses adequate funds  
7 or means to raise [such] THE funds without having a detrimental effect on its  
8 fire-fighting or rescue capability or jeopardizing the organization's financial stability.

9       B.       On or before October 1 of each year, each fire department, rescue squad  
10 [and], mobile intensive care unit, AND CHARLES COUNTY DIVE RESCUE TEAM to  
11 which money is paid by the County Commissioners shall submit to the Board of Fire  
12 and Rescue Commissioners and to the County Commissioners a statement prepared  
13 by a certified public accountant of all cash receipts and disbursements, regardless of  
14 source, for the previous fiscal year and other pertinent information as required by the  
15 Board of Fire and Rescue Commissioners.

16 54-7.

17       C.       In addition to any other powers that are granted under this chapter, the  
18 Board of Fire and Rescue Commissioners may:

19           (1)       Swear witnesses and take sworn testimony;

20           (2)       Hire a program coordinator, a clerical or administrative assistant, or  
21 both, provided that the salary and benefits of the program coordinator and clerical or  
22 administrative assistant are paid out of fire and rescue taxes; and

23           (3)       After consultation with the County Attorney:

24                   (a)       Require, as a condition of receiving tax moneys, each County  
25 Fire Department and Rescue Squad, including a mobile intensive care unit AND  
26 CHARLES COUNTY DIVE RESCUE TEAM, to submit financial records or minutes of  
27 meetings to the Board;

28                   (b)       Remove from office, or bar from office, in any County Fire  
29 Department or Rescue Squad, including a mobile intensive care unit AND THE  
30 CHARLES COUNTY DIVE RESCUE TEAM, any individual who refuses to submit any  
31 record as required under this chapter or otherwise deliberately violates the provisions  
32 of this chapter; and

33                   (c)       Provide for an appeal process for any individual charged with a  
34 violation under this [section] CHAPTER.

35       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 2000.